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ELEMENTS OF A WESTERN POSITION AT A CONFERENCE WITH THE SOVIETS

p. 1 The anticipated conference of Foreign Ministers with the Soviets presents serious tactical and substantive problems for the Western Powers. The stakes will be high, and because of the threatened Soviet relinquishment of responsibilities to the GDR such a conference will be basically different from the somewhat theoretical exercises which many previous conferences with the Soviets have been. In arriving at a Western position, the following factors must be considered:

1. an estimate of Soviet intentions;
2. the maximum and minimum objectives of the Western Powers;
3. the tactics to be followed by the Western Powers both in terms of anticipated public pressures and the balancing of Soviet and Western objectives;
4. the substantive proposals to be made by the West.

Estimate of Soviet Intentions

p. 2 It is reasonably clear that the direct objective of the Soviets is to remove the Allied presence from Berlin, and in so doing to strengthen the position of the GDR by ending the infectious demographic and psychological effect of West Berlin under Allied occupation. This, the Soviets presumably hope, would set in motion a chain of causation detrimental to the Western alliance in general and the position of the United States in particular. Whether they chose this moment because of urgent pressure from the GDR or because of an estimate that the situation was tactically ripe, the fact remains that they have challenged the Western Powers at a point of relative vulnerability. Despite many decided assets, the latter are in an exposed position in Berlin without control over their basic lines of communication. They are committed to an absolute policy of not dealing with the GDR authorities which, the Soviets have probably estimated, will not, under conditions of crisis, have the understanding or support of Western public opinion and perhaps some Western Governments.

p. 3 Given this, it seems probable that the Soviets will proceed with their announced intention of turning over their responsibilities in East Berlin to the GDR after May 27 unless presented with a situation which in terms of their own assessment of interests makes this undesirable. They may also at the same time turn over to the GDR their responsibilities for control of access as they originally threatened to do. The Soviets may, on the other hand, link this transfer to conclusion of a separate peace treaty with the GDR, relating this possibility to their assessment of progress toward or in negotiations.

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One theory, which has motivated much of the discussion on the Western side as to the advantages of a conference with the Soviets, is that the latter have been or will be impressed by the degree of firmness and unity exhibited by the West and will want to find a way out without loss of prestige. Whether this view proves more consoling than correct, it obviously needs to be tested through providing the camouflage of a conference, particularly since Western willingness to engage in such a conference is undoubtedly necessary evidence of desire to exhaust all peaceful means of settlement.

p. 5

It would, however, be highly dangerous to assume that the Soviets will behave according to this pattern. The Western Powers must realistically assume that the Soviets may present them with a fait accompli, once convinced that a conference will not simply bless the Soviet proposals. There is little concrete evidence that the Soviets seriously desire any settlement of the problems of reunification or European security at this time except on terms incompatible with the interests of the West. It cannot be excluded that the Soviet aim is simply to register their ability to impose negotiations on the Western Powers in accordance with conditions long prescribed by the Soviets and thus to demonstrate their political strength. Although the real importance of this factor is disputed, it may be conceded that they do not like the idea of having the West German armed forces possess nuclear weapons. It is not clear what price they are prepared to pay to avert such a development.



Western Objectives

p. 6

The Western objectives are obviously related to Soviet threats and actions. The Western Powers did not precipitate the present crisis and were relatively satisfied with the situation in Berlin, given the lack of progress towards German reunification. They must, of course, continue to stress the goals of German reunification and satisfactory European security arrangements, and their maximum objective would be to achieve a settlement in this area. However, they must realistically provide for the probability that any bridging of the gap at a Foreign Ministers' conference between the minimum substantive position of the Soviets and the Western Powers on these subjects is unlikely under present circumstances. Hence, the minimum Western objective in the present Berlin crisis must be the achievement of some sort of modus vivendi which will permit the survival of West Berlin under conditions permitting its continuing development in freedom under the protective influence of the Western Powers.

Tactics

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Tactics

p. 7

The tactical presentation of the Western position will assume perhaps more importance than at any previous conference with the Soviets. Not only must the Western Powers give sufficient evidence of their flexibility and desire for a peaceful solution so as to hold the support of public opinion, but they must present their views in such a way as to insure that they test every possibility of arriving at a settlement should the Soviets be in the slightest disposed to compromise or to seek a modus vivendi.

p. 8

The initial position of the Western Powers should be as comprehensive as possible evidencing that they sincerely desire to achieve a general settlement of the problems of Germany and European security. Moreover, it should provide a route open to the Soviets if they desire to withdraw from their extreme Berlin proposals under cover of a conference or a series of conferences in being.

The Western position should accordingly contain two elements:

1. A draft peace treaty, and/or a statement of principles to govern a peace treaty;
2. A comprehensive plan covering reunification, European security, and Berlin.



These two would obviously be interrelated, with the peace treaty draft containing many of the proposals of the comprehensive plan. The advantage of tabling a draft peace treaty is that it would provide an occasion for indefinitely drawn-out discussions with the Soviets, article by article, if this should be desirable. It would not commit the West to any positions which it would not otherwise be willing to accept, since the various articles would incorporate the basic Western position.

A Suggested Western Offer on German Reunification, European Security and Berlin

p. 9

In the light of the answers prepared in EUR to the questionnaire drafted by the Four-Power Working Group it is suggested that the Three Western Powers table the proposals set forth below at a conference with the Soviet Union.

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These suggestions are intended to constitute a comprehensive and reasonable offer to the Soviet Union providing a basis for a settlement and containing enough new proposals and formulations to convince world opinion that the Western Powers have shown flexibility and inventiveness without surrendering the basic principle of our security -- i.e., that we cannot afford to accept security arrangements which would seriously alter the present balance of power to the advantage of the Soviet Union or forfeit the progress achieved in developing institutional or other ties between the Federal Republic and its neighbors to the West.

These

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p.11 These proposals are designed as a package to be put into effect in stages. Some of them could be carried out at the time an agreement in principle is signed; some would have to be implemented progressively so that progress toward reunification and security would be in phase. These stages are indicated in the following paragraphs.

p.12 The principles behind this grouping are that: (1) no steps in the security field except of a declaratory nature should be taken until after a start has been made toward implementing a reunification plan; (2) changes in the security field involving deployment of Western troops and arms should not take place until significant and irreversible progress towards reunification has occurred; (3) Berlin proposals will be interim measures pending reunification. They should go into effect in Stage I. (See below).



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Elements of a Western PositionGeneva Position

March 5, 1959

Stage I The West should, at the beginning of the conference, table a draft peace treaty or a document containing the principles to govern a peace treaty, which would be consistent with the substantive Western position. The West should propose that an agreement in principle be reached on an overall plan for German reunification and European security and that upon arrival at such agreement the following steps should be taken:

- A. The Four Powers and other parties (presumed to be the other members of NATO and the Warsaw Pact) would undertake in a common declaration to:
 1. settle, by peaceful means, any international dispute in which it was involved with any other party;
 2. refrain from the use of force in any manner inconsistent with the purposes of the United Nations;
 3. withhold assistance, military or economic, to an aggressor; (based on Geneva proposals)
 4. consult with each other regarding the development and implementation of security agreements to be subsequently entered into; (drafted by GEN as a modification of the Geneva proposals)
 5. state that during the period of implementation of the Western offer they will not transfer into the custody of countries within a Special Security Area, comprising all the territory of Germany, Poland and Czechoslovakia and Hungary, chemical weapons, bacteriological weapons or nuclear warheads, unless these countries are the victims of aggression which contravenes the undertakings in paragraph A(2) of Stage I (Drafted by S/P taking account of the MacMahon Act restrictions and the restrictions applied to Germany by the Brussels Treaty)

The Treaty, which would be concluded concurrently with an agreement on the reunification of Germany under the Eden Plan, would cover the following subjects: (Treaty of Assurance)

The provisions would come into force progressively by stages. (Treaty of Assurance)



Each party would undertake to settle by peaceful means, any international dispute in which it might be involved and to refrain from the use of force in any manner inconsistent with the purposes of the United Nations. (Treaty of Assurance)

Each party would agree to withhold assistance, military or economic to any aggressor, and any party could bring the aggression to the attention of the United Nations, and seek such measures as are necessary to maintain or to restore international peace and security. (Treaty of Assurance)

There would be suitable provision for consultation among the parties to implement the treaty. (Treaty of Assurance)

6. (additional declarations might also be made at this point on stationing of missiles and no advancement of forces in Germany to be implemented in Stages II and III respectively)
- B. A declaration by the Four Powers should be made that they have or are in the process of achieving levels of their armed forces so that they will not exceed the following levels: France 750,000; United Kingdom, 750,000; Soviet Union, 2,500,000; United States 2,500,000. (Figures taken from proposals of the Western Powers at the London Disarmament negotiations in 1957).
- C. The Government of the Federal Republic should formally include its Eastern neighbors by specific reference in its renunciation of the use of force (Based on a statement of intention made by the German delegation at the Four Power Working Group Meeting of February 1959)
- D. A quadripartite commission of consultation and conciliation should be established to deal with complaints concerning Berlin and Germany. (Based on a French proposal made at the Four Power Working Group in February 1959)
- E. An exchange of information as to military personnel and armaments in all Germany, Poland /Hungary/ and Czechoslovakia should be arranged. (Based on a French proposal made at the Four Power Working Group meeting of February 1959)
- The parties would provide information on an agreed progressive basis on their armed forces in the zone. (Treaty of Assurance)



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Stage II The following measures in the reunification and security fields should be taken concurrently and without delay after the conclusion of Stage I.

A. Bearing in mind the complex issues involved in reunification, a three year transitional period should be agreed during which German delegates should draft a German constitution establishing a German Federal Union in which authority to regulate social and economic matters would be vested in freely elected Laender legislatures. Authority in the fields of finance and currency and external relations and defense should be exercised by a federal cabinet responsible to a freely elected federal parliament. The creation of a federal bicameral legislature (similar to that of the Federal Republic) would provide an opportunity to give an equal number of votes to each Land. Requirements for a two-third vote in the upper house would make it theoretically possible to give the East German Laender a veto in certain specified fields, for example, certain fiscal matters. (Drafted by GER taking into account comments made by Dr. Fechter German Foreign Office expert on reunification at a Four Power Working Group meeting in February 1959.)

B. The Four Powers should declare their readiness to approve a constitution establishing a German Federal Union along the above-mentioned lines. (Drafted by GER)

German reunification and the conclusion of a freely negotiated Peace Treaty with a united Germany should be achieved in the following stages:

- I Free elections throughout Germany
- II The convocation of a National Assembly resulting from these elections
- III The drafting of a Constitution and the preparation of Peace Treaty negotiations.
- IV The adoption of the Constitution and the formation of an all-German Government responsible for the negotiation and conclusion of the Peace Treaty
- V The signature and entry into force of the Peace Treaty (Eden Plan)



The Electoral Law should be prepared by France, the USSR, the U.K. and the U.S. in consultation with German experts.....(The Eden Plan)

The National Assembly will begin drafting a Constitution as soon as possible after its first meeting. Meanwhile, it may form a provisional all-German Authority charged with assisting the Assembly in drafting the Constitution and with preparing the nucleus of the future all-German executive organs. The Authority may also open with the Four Powers preliminary negotiations for the Peace Treaty (The Eden Plan)

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- C. To implement the proposal in A above, a commission composed of two delegates from each of the German Laender and East and West Berlin should be designated by the Four Powers to act as their agents in drafting an all-German constitution and an electoral law subject to the approval of the Four Powers as follows:
1. The Three Western Powers should designate the delegates from the ten Western Laender and from West Berlin and the USSR designate the delegates from the five Laender in the Soviet Zone of Germany and from East Berlin.
 2. Agreements of this group on substantive issues should require a two-thirds majority.
 3. The draft electoral law should contain provisions which will guarantee freedom of elections.
 4. The draft constitution after approval by the Four Powers should be submitted to the German people in a plebiscite. (Paragraph C was drafted by GER along lines sketched out by German member, Dr. Fechter, of the Four Power Working Group meeting of February, 1959)
- D. During the interim three-year period the German delegates provided for in C above, should supervise and coordinate the "non-political" aspects of the relationships between the Federal Republic and the GDR such as communications, postal service, trains, movement of persons and possible interzonal trade. Freedom of movement of people, ideas and publications should be assured. (Drafted by GER taking into account ideas of the German Four Power Working Group member cited above)
- E. During the interim three-year period East German-Soviet trade arrangements could remain in effect. (Drafted by EUR)



- F. At an early point in Stage II, and as an initial step in reducing the danger of surprise attack, a zone of inspection should be instituted in the Special Security Area. The system of inspection will include serial inspection, with ground observation posts at principal ports, railway junctions, main highways, and important airfields, etc., as agreed. A system of "overlapping" radar posts may also be a part of the inspection system. (Drafted by S/AE as a first step toward expansion of inspection zones)

In order to provide added depth to the surveillance system on both sides and thus give further protection against surprise attack, provision could also be made to establish:

- A. in the western part of the zone...
a radar warning system operated by the Soviet Union and the other eastern members of the treaty, and,
- B. a like system in the eastern part of the zone operated by the NATO members of the treaty (Treaty of Assurance)

There would be agreement on progressive procedures of mutual inspection to verify such data and to warn against any preparation for surprise attack. (Treaty of Assurance)

- G. The zone of inspection in paragraph F above shall be expanded, at the beginning of the third year after the agreement in principle on the over-all plan, to include the area in Europe from 50° E longitude to 35° E longitude and bounded in the south by 42° N latitude. (Drafted by S/AE taking into account the Western fallback position developed in NATO discussions at the London disarmament negotiation of 1957)

- H. At the same time that the zone of inspection in paragraph F above is expanded, a zone of inspection shall be installed in Eastern Siberia and in the North American continent, beginning from the Bering Straits, including Alaska, a section of North Western Canada and a contiguous area of the non-Alaskan part of the United States. This zone shall be defined so that the total area of Soviet territory included in the expanded European Zone and in Siberia shall be equal in proportion to the Soviet territory as U.S. territory included in this zone is to total U.S. territory. The measures



of inspection and observation in this zone shall be determined in the light of the particular requirements for the area. (Drafted by S/AE as a modification of the North American-Siberian inspection proposal advanced as an "illustrative concept" by the US delegation in London in 1957)

- I. Upon establishment of an inspection system to insure compliance, the Four Powers, together with Germany, Poland, Czechoslovakia and Hungary will assume an undertaking not to introduce, transfer custody or allow the positioning or production within the Special Security Area of ballistic missiles with a range of 500 nautical miles or more. At the same time and on the same condition, the countries within the Special Security Area will assume an undertaking that they will not produce chemical weapons, bacteriological weapons/ nuclear weapons. (Missile part drafted by S/P. Nuclear weapons section drafted by S/P and S/AE and is based on existing restrictions on Germany in the Brussels Treaty)



Stage III The following measures should be taken after the three-year interim period which would give the Soviet Union time to disengage itself from the GDR.

- A. Three years after the signature of an agreement in principle on reunification elections for an all-German assembly should be held in East and West Germany under the terms of the constitution (mentioned in proposal B under Stage II) and electoral law drafted by German delegates, approved by the Four Powers and adopted by the German population in a plebiscite (as proposed in Stage II C above) (Drafted by GER)

Free and secret elections should be held throughout Germany including Berlin at the earliest possible date. These elections must be held in conditions of genuine freedom. Safeguards must be agreed to assure this freedom before, after and during the elections. The elections must also be supervised in such a manner as to make sure these safeguards are observed and that the elections are properly conducted. (The Eden Plan)

1. The elections should be supervised by a supervisory commission and teams throughout all of Germany, each to be composed either of (a) representatives of the Four Powers, (b) representatives of East and West Germany in equal number or (c) UN representatives. (Drafted by GEM)
- B. An all-German government formed on the basis of the above-mentioned elections should replace the governments of the Federal Republic and the GDR and should have the following powers and responsibilities: (Drafted by GEM)
 1. The all-German government formed on the basis of the above-mentioned elections should, subject to the constitution, have full freedom of decision in regard to internal and external affairs, subject to the rights retained by the Four Powers as stipulated in C below. (Drafted by the Four Power Working Group in July 1955)
 2. The all-German government should have all the rights of individual and collective self-defense recognized by the United Nations Charter. (Based on Geneva proposals)
 3. The all-German government should be responsible for conclusion of negotiations and signature of a peace treaty on behalf of the German people. (Based on Geneva proposals)
 4. The all-German government should have authority to assume or reject the rights and obligations of the Federal Republic and of the East German regime under political or military treaties and arrangements subsidiary thereto concluded by them. Appropriate arrangements with respect to other treaties and agreements will be made by the parties concerned. (Drafted by L/EUR as a modification of Geneva proposal)

Composition of Supervisory Commission - The Commission should be composed of representatives of the Four Powers with or without the participation of neutrals, assisted by Germans in a consultative capacity (The Eden Plan).



It would be provided that nothing in the treaty would impair or conflict with the right of individual and collective self-defense recognized by the United Charter and Treaties under it. (Treaty of Assurance)

This Government (the all-German Government) shall be responsible for the negotiation and conclusion of the Peace Treaty (The Eden Plan)

The all-German Government shall have authority to assume or reject the international rights and obligations of the Federal Republic and the Soviet Zone of Germany and to conclude such other international agreements as it may wish.... The Four Powers will support any application of the all-German Government to accede to the United Nations Organization. (The Eden Plan)

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C. Hearing in mind that the United States, the United Kingdom and France and the USSR have retained, pending the conclusion of a peace treaty, the rights and responsibilities held by them relating to Germany as a whole, the Four Powers should, pending the conclusion of such a treaty, subject to the provision concerning the stationing of forces provided in D (2) below, retain the right to exercise with respect to the national assembly and the all-German government only those of its rights which relate to the stationing of armed forces in Germany, the protection of their security, Berlin, and the peace settlement. (Drafted in GEM as slight modification of Geneva proposals)

Each of the Four Powers will exercise with respect to the National Assembly the Provisional All-German Authority and the all-German Government, only those of its rights which relate to the stationing of armed forces in Germany and the protection of their security, Berlin, and reunification of Germany and a Peace Treaty. (The Eden Plan)



D. At the same time as agreement is reached in accordance with Paragraph E below on over-all ceilings the US U.K., France and the USSR should also agree that in a zone comprising a reunified Germany, Poland /Hungary/ and Czechoslovakia the total number of effective combat forces or units of non-German NATO shall not exceed _____ and the total number of Soviet effective combat forces /or units/ shall not exceed _____ on the following conditions:
(Drafted by GEM as a development of the Geneva proposals)

In a zone comprising areas of comparable size and depth and importance on both sides of the line of demarcation between a reunified Germany and the Eastern European countries, levels for armed forces would be specified so as to establish a military balance which would contribute to European security and help to relieve the burden of armaments. There would be appropriate provisions for the maintenance of this balance. In the parts of the zone which lie closest to the line of demarcation, there might be special measures relating to the disposition of military forces and installations. (Treaty of Assurance)

1. That further reductions of non-German NATO and Soviet forces in the Special Security Area should be negotiated in conjunction with the reduction of over-all ceilings /in connection with any further disarmament measures which may be agreed to/ (Drafted by GEM)

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2. After conclusion of the peace treaty no party should continue to station forces in any country in that zone without the consent of the country involved and upon the request of that country would withdraw its forces within a stated period. (Based on Geneva proposals)

....No party would continue to station forces in the territory of any other party without the latter's consent, and upon request of the party concerned any party would withdraw its forces within a stated period, unless these forces are present in the territory concerned under collective security arrangements. (Treaty of Assurance)

- E. The Four Powers will, upon the installation of an inspection system to verify compliance and the extension of the disarmament convention to other essential States, reduce their armed forces to the following levels: France 700,000; United Kingdom, 700,000; Soviet Union, 2,100,000; United States 2,100,000. When compliance with the above limitations has been verified to their satisfaction, the Four Powers will further reduce their armed forces to the following levels: France 650,000; United Kingdom, 650,000; Soviet Union, 1,700,000; United States, 1,700,000. The levels of other essential States would be specified at the same time through negotiations with them. (Drafted by S/AE using the force level figures in the August 29, 1957 Four Power disarmament paper)
- F. Limitations would be agreed upon for the total forces of a reunified Germany and the total forces of Poland and Czechoslovakia. These limitations should go into effect at the time of the formation of an all-German Government. (Drafted by GER on basis of Geneva proposals. See D above)
- G. Special arrangements regarding deployment of forces and armaments might be envisaged in certain frontier areas. (Drafted by the Four Power Working Group in July 1953 on basis of Geneva proposals).



....In the parts of the zone which lie closest to the line of demarcation, there might be special measures relating to the disposition of military forces and installations.

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I. The provisions of D, F and G could not be effected until machinery for control and inspection had been established and the all-German Government had agreed to the measures called for in Stage II (Drafted by GER taking into account language drafted by the Four Power Working Group in July 1955)

I. Should the all-German government decide to adhere to any collective security pact, the Three Powers would be prepared to join with the Soviet Union and any other parties to European Security arrangements therein described in additional mutual obligations / along the lines of Article VIII of the Geneva Outline Treaty of Assurance/ (GER modification of a draft by the Four Power Working Group in July 1955 taking into account the Geneva proposals)

J. Should the all-German government decide to adhere to any collective security pact, the Three Powers would be prepared to join with other parties to European Security arrangements herein described in giving an assurance that they would not advance their forces in Germany beyond the area in which they were stationed at the time of the entry into force of the agreement on European security. (Drafted in GER taking into account Four Power Working Group discussions in July, 1955 and the Berlin Declaration of July 1957)

K. The Four Powers shall, at the time the measures contemplated in Stage III go into effect, reaffirm their declaration that they will not transfer into the custody of countries within the Special Security Area chemical weapons, bacteriological weapons or nuclear warheads, unless these countries are the victims of aggression which contravenes the undertakings in paragraph A 2 of Stage I. (Drafted by S/P bearing in mind the McMahon Act and Brussel Treaty restriction)

Each party would agree that armed attack in Europe by any party, which is also a NATO member, against any party which is not a NATO member, or vice-versa, would endanger the peace and security which is the object of this treaty, and that all the parties would take appropriate action to meet that common danger (Treaty of Assurance)



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Stage IV A final peace treaty should be negotiated with the all-German Government. (Drafted by GER.)

The Eden Plan places at the last stage (Step V) the signature and entry into force of a Peace Treaty

Berlin (Drafted by GER)

I. The Western Powers should advance the following proposals concerning Berlin to become effective during the first stage of the plan on reunification and security.

- A. Berlin is one city and belongs to all of Germany. East and West Berlin should, therefore, be united through free elections held under UN supervision.
 - B. Simultaneously a plebiscite, likewise under UN supervision, should be held to determine the wishes of the Berlin population as to whether foreign troops should remain in Berlin, and if so the troops of which country or countries.
 - C. The GDR should remove its capital from Berlin so that the city may remain in trust as the destined capital of a reunited Germany to be achieved in Stage III.
 - D. During the interim period until Germany is reunited, the Four Powers should guarantee access to Berlin.
- ¶ If it is considered desirable to provide for a somewhat greater UN role, the following might be proposed as additions to or variants of the foregoing proposal.
- A. UN personnel should be assigned to check points on access routes into Berlin if Soviet personnel is withdrawn in order to establish the identity of incoming and outgoing traffic.



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- B. The Allied Powers should transfer to the U' all functions regarding the reception and transportation of refugees from East Germany entering Berlin.
- C. The Four Powers should agree to terminate unilaterally intelligence and propaganda activities based on Berlin and propose that information activities in East and West Berlin be supervised by a UN commission.



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